



**SHEPS LAW GROUP**

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March 5, 2008

**VIA ECF**

Hon. Kenneth Karas  
Southern District Court of New York  
United States Courthouse  
300 Quarropas St., Room 533  
White Plains, NY 10601

Re: One Beacon Insurance Co. a/s/o Applied Building  
Development v. Combined Energy Services  
Docket No.: 06 cv 5629  
Our file No.: 6841

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Dear Honorable Sir:

The undersigned represents the plaintiff One Beacon Insurance Company with respect to a property damage subrogation action arising from a fire/explosion involving propane tanks that damaged my client's insured's building. Presently, we are scheduled for a Status Conference before your Honor on March 14, 2008 at 2:00 pm.

I write to your Honor's attention regarding the current status of discovery. Since the Initial Conference back in September 2007, I have not heard from my adversary nor received any discovery responses. My office furnished the defendant with discovery responses, discovery demands and its initial disclosure nearly one year ago. To date, I have not even received my adversary's Rule 26 Disclosure nor any written discovery responses to my discovery demands. According to ECF, Robert Fumo, Esq. is the attorney of record for the defendant Combined Energy Services however my recent letters, multiple voice mails and emails requesting discovery responses from this defendant have gone unanswered.

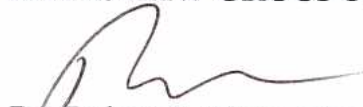
Unfortunately, without the participation of my adversary I cannot effectively litigate this matter. We respectfully, request an Order from this Court directing the defendant Combined Energy Services to furnish all outstanding discovery material immediately and provide dates for its witnesses so we may move this matter forward and/or in the alternative for an Order precluding its defenses at the time of trial.

In light of the foregoing, we ask permission to make a motion for sanctions and a 45 day adjournment of the March 14, 2008 conference so we may conduct discovery and hopefully be in a position to have a meaningful conference before your Honor at that time.

Thank you for your kind consideration of this request. Please feel free to contact my office with any questions or comments in the foregoing.

Very Truly Yours,

**SHEPS LAW GROUP P.C.**



By: Robert C. Sheps, Esq.

Cc:  
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